

United States Courts  
Southern District of Texas  
FILED

JAN 24 2002  
*Maughan*  
Michael A. Maughan, Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAVID RUIZ, et al.

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

Civil Action No. H-78-987

GARY JOHNSON, et al.,

Defendants.

HON. JOHN CULBERSON, et al.,

Defendant-Intervenors

**THIRD DECLARATION OF DONNA BRORBY IN  
SUPPORT OF PLAINTIFFS' MOTION TO ENFORCE JUDGMENT  
FOR ATTORNEYS' FEES, COSTS AND EXPENSES**

1. I am lead counsel for the plaintiff class in this action and I make this declaration in support of plaintiffs' motion for enforcement of the 1983 fees Judgment in this case.
  2. Gail Saliterman and I attempted to identify all time entries that included time spent on health care issues from May 12, 1999 through May 31, 2001. The print out of those entries is attached hereto as Exhibit 44. Exhibit 44 reflects all time entries we could find that include time spent on health care issues (some of which combine health care work with other work, in which case all of the time is treated as health care time for purposes of Exhibit 44). It also includes all the time I billed for Christina Arenas after May 12, 1999 even when it does not specifically refer to health care because Ms. Arenas was assigned to do the work related to
- BRORBY DECL./MOTION ENFORCE/FEES

9002



appellate briefing on health care issues. Exhibit 44 calculates the value of attorney time at \$112.50/hour, the PLRA rate. At PLRA rates, the amount billed for our work on health care issues was \$139,685.04. This includes some but all work related to psychotics in administrative segregation. The \$139,685.04 amounts to 21% of the approximately \$670,585.80 value of the time we billed for the period May 12, 1999 through May 31, 2001, at PLRA rates. The value at billed market rates can be calculated from the hours listed at the end of the exhibit (\$150/hour for AL, CA, and HB; \$250/hour for GJS and DB) and is approximately \$220,485 (21% of the approximately \$1,057,907.12 billed for the period May 12, 1999 through May 31, 2001).

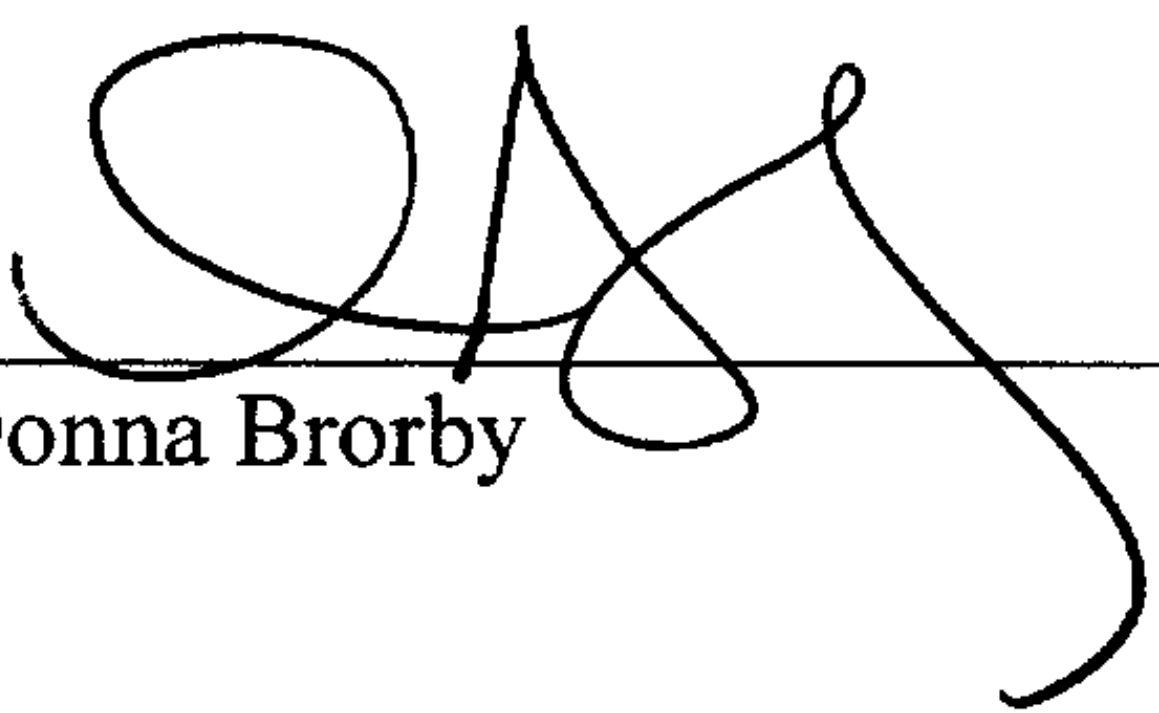
3. I have considered other ways to attempt to quantify the amount of time an effort plaintiffs attorneys have devoted to the health care issues. The transcript of the hearing on the motion to terminate is 4138 pages excluding opening and closing argument. Of those pages, 766 pages (18%) were devoted to medical testimony and 548 pages (13%) were devoted to psychiatric testimony. Exhibit 45 attached hereto indexes the testimony by witness. Estimating that half of the psychiatric effort focused on psychotics in segregation, approximately 25% of the trial effort was devoted to health care issues with respect to which the Court did not find a violation of federal constitutional rights.

4. Gail Saliterman and I have reviewed our statements for the period May 12, 1999 through May 31, 2001, and identified time related to the litigation of PLRA issues. We assigned more time to PLRA work that actually was devoted to PLRA work by assigning mixed or questionable entries to PLRA work. Exhibit 46 shows the time assigned to PLRA issues, approximately \$42,000 at PLRA rates (approximately 6% of the PLRA rate fees May 1999 through May 2001). Based on the hours reflected in Exhibit 46, the market rate would be approximately \$109,470 (\$72,020 for W.B. Turner hours at \$325 and \$37,450 for D. Brorby hours at \$250; approximately 10% of the market rate fees for May 1999-May 2001.)

I declare under penalty of perjury that the above is true and correct. Executed at  
BRORBY DECL./MOTION ENFORCE/FEEES

Austin, Texas , on January 24, 2001.

Dated: January 24, 2002



Donna Brorby

BRORBY DECL./MOTION ENFORCE/FEEs

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**EXHIBIT 44**



January 18, 2002

RUIZ TIME ON MEDICAL, 5/12/99 -5/31/01

Our File: 0404.0404  
Invoice # 15

## Statement of Account for Services Rendered Through January 18, 2002

## Professional Services

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, May 12, 1999 CA	Prepare brief	4.00	450.00
Thursday, May 13, 1999 CA	Prepare for meeting; conference with staff	6.00	675.00
Monday, May 17, 1999 CA	Research	4.00	450.00
Thursday, May 20, 1999 CA	Appeal class	8.00	900.00
Wednesday, May 26, 1999 CA	Organize Ruiz work	4.00	450.00
Thursday, May 27, 1999 CA	Prepare medical/psychiatric care legal memo	6.50	731.25
Saturday, May 29, 1999 CA	Prepare medical/psychiatric care legal memo	4.00	450.00
Wednesday, June 2, 1999 CA	Med/psych research	3.00	337.50
Thursday, June 3, 1999 CA	Med/psych research	2.00	225.00
Friday, June 4, 1999 CA	Med/psych research	3.00	337.50
Monday, June 14, 1999 CA	Psych research	4.00	450.00
Wednesday, June 16, 1999 CA	Psych research	6.00	675.00
Thursday, June 17, 1999 CA	Psych research	7.00	787.50
Friday, June 18, 1999 CA	Psych research	6.00	675.00

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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Monday, June 21, 1999			
CA	Med/psych research; gathering info from past memos on disk	6.00	675.00
Tuesday, June 22, 1999			
CA	Research med/psych	4.00	450.00
Thursday, June 24, 1999			
CA	Team meeting, med/psych research	6.00	675.00
Friday, June 25, 1999			
CA	med/psych research	6.00	675.00
Monday, June 28, 1999			
CA	Legal research and writing memo re med/psych	8.00	900.00
Tuesday, June 29, 1999			
CA	Legal research and writing memo re med/psych	4.00	450.00
Wednesday, June 30, 1999			
CA	Legal research and writing memo re med/psych	2.00	225.00
Thursday, July 1, 1999			
CA	Legal research and writing memo re med/psych	12.00	1,350.00
Friday, July 2, 1999			
CA	Legal research and writing memo re med/psych	8.00	900.00
Sunday, July 4, 1999			
CA	Legal research and writing memo re med/psych	6.00	675.00
Tuesday, July 6, 1999			
CA	Writing up med/psych research	8.00	900.00
Thursday, July 8, 1999			
CA	Reviewing court opinion and summarizing findings of fact re med	6.00	675.00
Friday, July 9, 1999			
CA	Reviewing court opinion and summarizing findings of fact	4.00	450.00
Monday, July 12, 1999			
CA	Reviewing court opinion and summarizing findings of fact	6.50	731.25
Tuesday, July 13, 1999			
CA	Reviewing court opinion and summarizing findings of fact	7.00	787.50



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, July 14, 1999			
CA	Reviewing court opinion and summarizing findings of fact	5.50	618.75
Thursday, July 15, 1999			
CA	Review of Post-Trial Med brief for med facts	8.00	900.00
Friday, July 16, 1999			
CA	Review of Post-Trial Med brief for med facts	7.00	787.50
Tuesday, July 20, 1999			
CA	Review of Post-Trial Med brief for med facts	4.00	450.00
Wednesday, July 21, 1999			
CA	Review of Post-Trial Med brief for med facts	5.00	562.50
Thursday, July 22, 1999			
CA	Review of Post-Trial Med brief for med facts	2.00	225.00
Monday, July 26, 1999			
CA	Review of Post-Trial Med brief for med facts	5.00	562.50
Tuesday, July 27, 1999			
CA	Review of Post-Trial Med brief for med facts	5.00	562.50
Wednesday, July 28, 1999			
CA	Checking all disks for logging	4.00	450.00
Thursday, July 29, 1999			
CA	Research re medical cases	8.00	900.00
Tuesday, August 3, 1999			
CA	Research re medical cases	8.00	900.00
Wednesday, August 4, 1999			
CA	Research re medical cases	6.00	675.00
Thursday, August 5, 1999			
CA	Research re medical cases	8.00	900.00
Friday, August 6, 1999			
CA	Research re medical cases	6.50	731.25
Thursday, August 12, 1999			
CA	Research re medical cases	4.00	450.00

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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, August 13, 1999			
CA	Research re medical cases	4.00	450.00
Monday, August 16, 1999			
CA	Review med exhibits-audit report	8.00	900.00
CA	Review med exhibits-audit report	8.00	900.00
Friday, August 20, 1999			
CA	Review med exhibits-audit report	4.00	450.00
Monday, August 23, 1999			
CA	Review med exhibits-audit report	6.00	675.00
Friday, August 27, 1999			
CA	Review med exhibits-audit report	7.00	787.50
Tuesday, August 31, 1999			
CA	Work with evidence summaries	8.00	900.00
Wednesday, September 1, 1999			
CA	Drafting prisoner witness summary	4.00	450.00
Thursday, September 2, 1999			
CA	Research re: Med cases	4.00	450.00
DB	Review staff drafts on ad seg, safety, force and medical	3.50	393.75
Wednesday, September 8, 1999			
CA	Reading medical cases	6.50	731.25
Thursday, September 9, 1999			
CA	Reviewing medical expert reports	7.00	787.50
Friday, September 10, 1999			
CA	Reviewing medical expert reports	8.50	956.25
Monday, September 13, 1999			
CA	Review med report exhibits	8.00	900.00
Tuesday, September 14, 1999			
CA	Review med expert test	4.00	450.00
Monday, September 20, 1999			
CA	Review med expert test	6.50	731.25



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, September 22, 1999			
CA	Review plaintiffs exhibits	7.00	787.50
Thursday, September 23, 1999			
CA	Review plaintiffs exhibits	3.50	393.75
Friday, September 24, 1999			
CA	Review med expert test	6.00	675.00
Monday, September 27, 1999			
CA	Review opinion, findings of fact, med expert test	8.50	956.25
Tuesday, September 28, 1999			
CA	Review plaintiffs exhibits, med expert reports	7.00	787.50
Wednesday, September 29, 1999			
CA	Review plaintiffs exhibits, med expert reports	9.00	1,012.50
Friday, October 1, 1999			
CA	Review med expert test	7.50	843.75
Monday, October 4, 1999			
CA	Research re med cases	7.00	787.50
Tuesday, October 5, 1999			
CA	Research re med cases	8.00	900.00
Monday, October 11, 1999			
CA	Drafting brief re med	2.00	225.00
Tuesday, October 12, 1999			
CA	Drafting brief re med	5.50	618.75
Thursday, October 14, 1999			
CA	Drafting brief re med	6.00	675.00
Friday, October 15, 1999			
CA	Review med expert testimony	7.50	843.75
Monday, October 18, 1999			
CA	Drafting brief re med	8.50	956.25
Tuesday, October 19, 1999			
CA	Research re med cases	4.00	450.00

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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, October 20, 1999 CA	Drafting brief re med	5.50	618.75
Friday, October 22, 1999 CA	Review med expert testimony	4.00	450.00
Monday, October 25, 1999 CA	Drafting med appeal	6.50	731.25
Tuesday, October 26, 1999 CA	Drafting med appeal	7.00	787.50
Wednesday, October 27, 1999 CA	Drafting med appeal	4.00	450.00
Wednesday, November 17, 1999 CA	Research and review medical; organizing cases	3.50	393.75
Thursday, November 18, 1999 CA	Research and review re medical	6.00	675.00
Friday, November 19, 1999 CA	Drafting medical brief	8.00	900.00
Sunday, November 21, 1999 CA	Drafting medical brief	5.50	618.75
Monday, November 29, 1999 CA	Research transcript re med	6.00	675.00
Tuesday, November 30, 1999 CA	Research transcript re med	2.00	225.00
Sunday, December 5, 1999 CA	Review work done, organizing thoughts for brief	6.00	675.00
Monday, December 6, 1999 CA	Researching disks for documents, review post trial med brief	6.00	675.00
Wednesday, December 8, 1999 CA	Review post trial med brief	5.50	618.75
Thursday, December 9, 1999 CA	Review opinion	3.00	337.50



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Friday, December 10, 1999			
CA	Review opinion and med legal brief	6.50	731.25
Wednesday, December 15, 1999			
CA	Drafting Med App Brief	7.00	787.50
Monday, December 20, 1999			
CA	Drafting argument re medical	8.50	956.25
Tuesday, December 21, 1999			
CA	Drafting argument re medical	8.00	900.00
Wednesday, December 22, 1999			
CA	Drafting argument re medical	7.50	843.75
Monday, December 27, 1999			
CA	Rev opinion, med expert reports	6.50	731.25
Tuesday, December 28, 1999			
DB	Review CA medical section, e mail edits and directions for further work to CA; review and edit WBT new draft, review psych portion of motion for reconsideration for assignments for AL during my absence	10.00	1,125.00
Wednesday, December 29, 1999			
CA	Review post-trial memo	5.50	618.75
Thursday, January 13, 2000			
CA	Review med expert reports for facts	7.50	843.75
Tuesday, January 18, 2000			
CA	Drafting facts sheet for DB	6.00	675.00
Wednesday, January 19, 2000			
CA	Drafting facts sheet for DB	5.50	618.75
Friday, January 21, 2000			
DB	Pr motion for extension, pr draft brief to go with motion for extended word-volume (put together various parts into one whole document, edit oout internal notes), rv safety section and cn HB safety section, rv medical section, tc Coleman re modified motions extended time and length	9.00	1,012.50
Tuesday, January 25, 2000			
DB	Pr app brief, continue draft medical, incl. rv key cases cited by CA (via computer research service)	9.00	1,012.50



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
CA	Tc w/AL and HB re brief issues	3.50	393.75
Wednesday, January 26, 2000			
DB	Pr app brief, medical section, incl rv testimony	10.00	1,125.00
Thursday, January 27, 2000			
DB	Pr app brief, medical, rv consultants's edits and incorp into draft, continue rv testimony, email CA re her work for me on medical	8.50	956.25
CA	Rv testimony summary of med expert, summary of state audit, searching through disks for testimony files	5.00	562.50
Friday, January 28, 2000			
CA	Legal Research- error of law issue, pulling up some cases on other issue	4.50	506.25
DB	Cn DS and MB on medical/psyche cross appeal	0.30	33.75
Saturday, January 29, 2000			
DB	Pr app brief, medical and PLRA sections, incl. rv consultant's edit of medical/psych section and redrafting on medical/psych cross-appeal	6.00	675.00
Sunday, January 30, 2000			
DB	Pr app brief, medical and PLRA, inc TC with JW over her edits and suggestions	5.00	562.50
CA	Legal Research-error of law issue	3.00	337.50
Monday, January 31, 2000			
DB	Pf app brief,new research and writing on publi/private rights (sep of powers section), rv consultant JW edits on PLRA section, and mark for secrretarial imput, email to DS to consult on PLRA and medical	9.00	1,012.50
CA	Systemic deficiencies work	8.00	900.00
Tuesday, February 1, 2000			
CA	Systemic deficiencies work	8.50	956.25
Sunday, February 6, 2000			
CA	Systemic deficiencies work	2.00	225.00
Monday, February 7, 2000			
CA	Review: Linthicum	1.50	168.75
Tuesday, February 8, 2000			
CA	Review: Linthicum	3.00	337.50



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, February 10, 2000 CA	Review: Linthicum	6.00	675.00
Friday, February 11, 2000 CA	Review: Smith	5.50	618.75
Sunday, February 13, 2000 CA	Review: Smith	3.00	337.50
Monday, February 14, 2000 CA	Review Smith testimony	2.00	225.00
Wednesday, February 16, 2000 CA	Review Jenison testimony	2.00	225.00
Monday, February 21, 2000 CA	Drafting and editing medical section	15.50	1,743.75
Tuesday, February 22, 2000 CA	Drafting and editing the final draft of brief	11.50	1,293.75
Friday, March 3, 2000 CA	Office meeting re med/pysch brief for reply issues	1.50	168.75
Thursday, March 9, 2000 HB	Research staffing section for medical reply brief; research fees/costs paid for fees motion	3.00	337.50
Friday, March 10, 2000 HB	Research staffing section for medical reply brief; conf. with team re med/psych reply, briefing schedule; fielding phone calls from pern's mother; ACLU of S. Texas	5.50	618.75
Saturday, March 11, 2000 HB	Review Jenison testimony re med HIV for reply issues	4.00	450.00
Sunday, March 12, 2000 HB	Review med legal memo for further research; review Jenison testimony for reply issues	6.00	675.00
Tuesday, March 14, 2000 HB	Respond to prisoner correspondence; resarch re PLRA & Atty fees; resarch staffing section for medical reply brief	5.00	562.50
HB	Respond to prisoner correspondence; resarch re PLRA & Atty fees; resarch staffing section for medical reply brief	5.00	562.50



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, March 15, 2000			
HB	Resarch staffing section for medical reply brief; phone conf. with pner relative respond to prisoner correspondence	1.70	191.25
AL	Respond to prisoner correspondence; research, prepare summary re methodology; doc. search re med (non-metho. issues)	8.30	933.75
Thursday, March 16, 2000			
AL	Research, prepare summary re methodology; prepare legal memo re expert testimony (addn.)	6.05	680.63
HB	Research staffing section for medical reply brief	3.50	393.75
Friday, March 17, 2000			
AL	Research, prepare summary re methodology; prepare outline arg. re admissibility	5.60	630.00
HB	Review and respond to prisoner correspondence; email to team re defendants' reply brief extension; research staffing section for medical reply brief	3.00	337.50
Saturday, March 18, 2000			
AL	Review med exp. reports (biostats; review, prepare memo re expert testimony (addn)	4.65	523.13
Monday, March 20, 2000			
AL	Prepare outline arg. re admissibility; review, prepare summ. def. wit/evid	5.55	624.38
Tuesday, March 21, 2000			
AL	Prepare evidence summary; prepare memo re med/psych (Delib. indiff)	5.30	596.25
HB	Research staffing section re medical reply brief; respond to prisoner correspondence	3.70	416.25
Wednesday, March 22, 2000			
AL	Review med exp. reports	4.70	528.75
Friday, March 24, 2000			
AL	Research re admissibility; review def. tri briefs re med; respond to prisoner correspondence	5.85	658.13
Tuesday, March 28, 2000			
AL	Review and respond to prisoner correspondence; review def. post-trial brief re admiss	7.00	787.50



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, March 29, 2000			
AL	Review and respond to prisoner correspondence; review med reports, review testi.; prepare memo re daubert inquiry	4.45	500.63
Thursday, March 30, 2000			
AL	Review and respond to prisoner correspondence; review cases re daubert (Dwf. Br. IIIB cases)	3.75	421.88
Friday, March 31, 2000			
HB	Researching staffing section for medical reply brief; review and respond to prisoner correspondence	3.50	393.75
Monday, April 3, 2000			
CA	Review Linthicum Depo	6.00	675.00
Tuesday, April 4, 2000			
AL	Research re daubert inquiry; prepare memo and review cases re daubert inquiry; review Def. wit testimony re med	8.20	922.50
Wednesday, April 5, 2000			
AL	Prepare memo re daubert inquiry; review medical reports; review cases re daubert	7.15	804.38
Wednesday, May 17, 2000			
DB	Prepare reply brief, medical, support finding of system wide bad care	6.00	675.00
Thursday, May 18, 2000			
DB	Pr reply brief, incl. rev evidence and drafting, medical, system-wide bad care	7.00	787.50
Friday, May 19, 2000			
DB	Finish draft on system-wide bad care, rv PX 1607 and draft section on it	7.00	787.50
Sunday, May 21, 2000			
DB	Rv trial transcript of Kiefe, begin Robertson, for filling in citations, and outline new points	6.00	675.00
Monday, May 22, 2000			
DB	Rv trial transcript of Drs. Robertson, Smith for filling in citations, and new points	5.50	618.75
Tuesday, May 23, 2000			
DB	Rv trial tscript Jones, Linthicum, begin med redraft, system-wide bad care	5.00	562.50

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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Thursday, May 25, 2000			
DB	Edit draft, medical	7.00	787.50
Friday, May 26, 2000			
DB	Pr appellate reply brief, medical	5.00	562.50
Saturday, May 27, 2000			
DB	Pr appellate reply brief, incl rv evid, psych esp undx'ed psychotics	7.00	787.50
Sunday, May 28, 2000			
DB	Prepare appellate reply brief, psych	15.00	1,687.50
Monday, May 29, 2000			
JS	JSS reviewing transcript for examples for reply brief	8.00	320.00
DB	Pr appellate brief, pr for filing today (until extension received)	12.00	1,350.00
Tuesday, May 30, 2000			
DB	Pr appellate brief	6.00	675.00
HB	Editing medical/psych reply brief, review and respond to prisoner correspondence	3.00	337.50
Friday, June 2, 2000			
HB	Review and respond to prisoner correspondence, reviewing defendant's response brief for reply points	2.75	309.38
Tuesday, June 6, 2000			
HB	Review and respond to prisoner correspondence, legal research for reply brief	4.10	461.25
Wednesday, June 7, 2000			
CA	Summarizing HIV transcript searches	5.00	562.50
Monday, June 12, 2000			
HB	Review and respond to prisoner correspondence; review new ad seg plan; research for reply brief	4.00	450.00
DB	Prepare appellate reply brief, edit medical death records ssection (begin rewrite and completion of 5/29/draft); conference w/clerks re p/corr resonses	4.00	450.00
Tuesday, June 13, 2000			
DB	Prepare appellate reply brief, continue rewrite medical	4.00	450.00



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Wednesday, June 14, 2000			
DB	Prepare appellate reply brief, continue rewrite medical (6.5)hrs.	6.50	731.25
HB	Review and respond to prisoner correspondence; conf. w/DB & research for reply brief	3.30	371.25
Thursday, June 15, 2000			
HB	Review and respond to prisoner correspondence; conf. w/DB & research for reply brief	4.80	540.00
DB	Prepare appellate brief, finish medical new draft, integrate material from HB and GJS review/edit/comments	6.00	675.00
Friday, June 16, 2000			
DB	Prepare appellate brief, Psych, rewrite ad seg psychotics section, intergrate GJS notes/comments	7.50	843.75
HB	Legal research for reply brief on standard of review; respond to prisoner correspondence	3.50	393.75
Sunday, June 18, 2000			
DB	Prepare appellate reply brief, psych, mutilaters, review transcript for cites	3.00	337.50
Monday, June 19, 2000			
DB	Prepare appellate reply brief, psych mutilaters	6.00	675.00
HB	Legal research for reply brief; editing reply brief	3.10	348.75
Tuesday, June 20, 2000			
DB	Prepare appellate reply brief, psych, complete draft	9.00	1,012.50
HB	Legal research for reply brief; conf. with DB re reply brief; editing reply brief review and resond to prisoner correspondence	5.50	618.75
Thursday, June 22, 2000			
DB	Prepare appellate reply brief, redraft psych, integrate HB and GJS edits/comments	6.50	731.25
Friday, June 23, 2000			
DB	Prepare appellate reply brief, edit draft section on deficient treatment identified patients	8.00	900.00
Saturday, June 24, 2000			
DB	Prepare appellate reply brief, rewrite psych	7.50	843.75
Monday, June 26, 2000			
DB	Prepare appellate reply brief, final edi/rewrite	12.00	1,350.00



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<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Tuesday, June 27, 2000			
DB	Prepare appellate reply brief, final edi/rewrite for 6/29 filing	10.00	1,125.00
HB	Eediting reply brief; research for reply brief, review and resond to prisoner correspondence	7.30	821.25
Wednesday, June 28, 2000			
DB	Prepare appellate reply brief, psych care section; add GJS/HB section in HIV	10.00	1,125.00
HB	Research for reply brief, editing reply brief; conf. with DB re reply brief	4.40	495.00
Thursday, June 29, 2000			
DB	Finalize appellate reply brief for mailing today, final edits and insertions	12.00	1,350.00
HB	Drafting and editing reply brief, producing final copy of brief	11.20	1,260.00
Friday, June 30, 2000			
GJS	All GJS time between 5/29/00 and 6/30/00 (Fee motion exhibit 38)	78.50	8,831.25
Wednesday, October 4, 2000			
DB	Outline ad seg and medical argument; respond to p/corr referred by KB	4.60	517.50
Thursday, October 26, 2000			
DB	Prepare for app arg. summarize force system data, review medical sections briefs outline argument, conference with GJS re her summarizing UOF discipline data	4.00	450.00
Saturday, May 12, 2001			
DB	Prepare reply to defendant's memo, revise safety section incl review transcript on staffing, TC WBT re medical, first draft medical	10.00	1,125.00
Monday, May 14, 2001			
DB	Prepare reply to d's memo, edit force, finish medical	12.00	1,350.00

#### Summary of Services

AL	Amber Lee	76.55 hr @ 113.00	\$ 8611.91
CA	Christina Arenas	681.50 hr @ 113.00	\$ 76668.75
DB	Donna Brorby	301.40 hr @ 113.00	\$ 33907.50
GJS	Gail J. Saliterman	78.50 hr @ 113.00	\$ 8831.25
HB	Holly Baldwin	100.85 hr @ 113.00	\$ 11345.63
JS	Jake Stacey Schrierer	8.00 hr @ 40.00	\$ 320.00



Page fifteen  
January 18, 2002  
RUIZ TIME ON MEDICAL, 5/12/99 -5/31/01

Our File: 0404.0404  
Invoice # 15

Total Professional Services	<u>\$139,685.04</u>
TOTAL NEW CHARGES	<u>\$139,685.04</u>
Previous Balance Due	<u>\$ 0.00</u>
SUMMARY OF ACCOUNT	
Balance Forward	\$ 0.00
Total New Charges	139,685.04
Payments and Credits	<u>0.00</u>
TOTAL BALANCE DUE *** PLEASE PAY THIS AMOUNT **	<u>\$139,685.04</u>

Gail J. Saliterman billings for Ruiz v Johnson

**EXHIBIT 45**



766 18%

548 13%

1314 31%

Index to Testimony Transcripts*Italics* = Δ witnessUnderline = π expert

1/21/99 [Opening arguments]

<u>Witness</u>	<u>Pages</u>
Stephen Mathis	57-82
Orlando Calbert	82-121
Michael Lambert	121-143
Billy Lee	143-157
Patrick Graves	157-189
Rodney Stringer	189-215
Ron Toliver	215-231

1/22/99

Paul Ferguson	249-271
Michael Jewell	272-279
Lewis Hall	279-294
Jennifer Gray	294-302
Jason Walker	302-322
Jason Wimberly	322-331
Lorenzo Thomas	331-354
Dennis Huff	354-371
William Webb	371-401
Dean Powell	401-424
Corey Richard	424-447
Robert Sampson	447-465
Juan Lopez	466-500
Howard Williams	501-519

1/25/99

Howard Williams (cont.)	526-535
Robert Allen	535-548
John Cook	549-566
<u>Steve Jenison</u>	567-674 107
Tonja Fountain	674-720
Jimmy McGhee	720-734
Dwayne Webb	734-759
Sandra Battson	759-766

1/26/99

Sandra Battson (cont.)	771-776
<u>Chase Riveland</u>	776-886
<u>Dennis Jurczak</u>	886-980 94
Dewayne Webb (cross)	981-988
Jimmie Batiste	988-997

1/27/99

Jimmie Batiste (cont.)	1001-1022
Joshua Burkett	1022-1050
Mark Fields	1051-1078
<u>Allen Breed</u>	1079-1224

1/28/99

<u>Allen Breed</u> (cont.)	1227-1330
Alpha Turner	1330-1363
<u>John Robertson</u>	1363-1469

1/29/99

<u>John Robertson</u> (cont.)	1473-1490 127
Joshua Holman	1491-1527
Robert Walker	1527-1568
Chad Banks	1568-1593
<i>Gary Johnson</i>	1593-1710

1/30/99

<i>Gary Johnson</i> (cont.)	1715-1906
<i>Janie Cockrell</i>	1907-1940

2/1/99

Roberta Stellman  
*David Smith*

1943-2055 112  
 2056-2153 97

Rodney Stringer (cross) 3497-3513  
 Ron Toliver (cross) 3514-3527  
 Dean Powell (cross) 3528-3538  
 Lorenzo Thomas (cross) 3539-3553  
 Janea Cooke 3554-3586

2/2/99

*David Smith (cont.)*  
*Gary DeLand*

2156-2274 118  
 2274-2375

2/9/99

*Robert Jones* 3591-3685 94  
*John Sharp* 3686-3780  
*Captain Michael Roesler* 3783-3798  
*CO III Melvin Woodard* 3798-3808  
*Lt. Viola Abdeen* 3808-3821  
*LVN Patsy Pipkin* 3821-3834 set  
*RN Marianne Anderson* 3834-3842 set  
*Janie Cockrell* 3843-3859

2/3/99

*Glenda Adams*  
Jeff Metzner

2379-2544 165  
 2545-2635 90

2/4/99

Catarina Kiefe  
Craig Haney  
*Edward McElyea*  
*David Sandahl*

2639-2697 58  
 2698-2818  
 2820-2873  
 2874-2881

2/10/99

*Janie Cockrell (cont.)* 3868-3941  
*Gary Johnson (cross)* 3942-3956  
Allen Breed (rebuttal) 3957-4020,  
 4047-4055  
*Edward McElyea (cross)* 4021-4047

2/5/99

*David Sandahl (cont.)*  
*Suzanne Ducate*

2886-2941  
 2942-3120 178

2/11/99

Allen Breed (cont.) 4058-4090  
*Chad Ivy* 4090-4139  
*Gary Johnson* 4140-4147  
*William Webb (rebuttal)* 4147-4159  
*James Stokes* 4161-4195

2/6/99

*Suzanne Ducate*  
*Gary DeLand*  
*Edward McElyea*

3125-3199 74  
 3200-3312  
 3313-3323

2/12/99

Closing arguments

2/8/99

*Debbie Liles*  
*Dan Freeman*  
*Cory Richard (cross)*

3326-3415  
 3416-3480  
 3481-3496

Linthicum's deposition 4280???



**EXHIBIT 46**

1-24-202 9:00AM

FROM GAIL SALITERMAN 5105242056

P. 1

January 18, 2002

RUIZ TIME ON PLRA, 05/12/99-05/30/01 -

Our File: 0409.0409  
Invoice # 18

## Statement of Account for Services Rendered Through January 18, 2002

## Professional Services

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Sunday, May 30, 1999			
WBT	Total fees billed for WBT, 05/12/99 TO 05/30/99	19.90	2,238.75
Monday, June 21, 1999			
DB	Review Hadix (new Supreme Court decision) and notes for WBT re fees	1.00	112.50
Wednesday, June 30, 1999			
WBT	Total fees billed by WBT, 06/01/99 TO 06/30/99	34.30	3,858.75
Saturday, July 31, 1999			
WBT	Total fees billed by WBT, 07/01/99 TO 07/31/99	15.20	1,710.00
Sunday, October 31, 1999			
WBT	Total fees billed by WBT, 08/01/99 TO 10/31/99	35.80	4,027.50
Tuesday, November 30, 1999			
WBT	Total fees billed by WBT, 11/01/99 TO 11/30/99	16.20	1,822.50
Thursday, December 9, 1999			
DB	Prepare brief, complete edit of WBT draft on PLRA and constitutional issues	7.00	787.50
Monday, December 13, 1999			
DB	Telephone conference w/WBT, his questions about my comments on his draft	0.30	33.75
Thursday, December 16, 1999			
DB	Prepare appellate brief (ad seg section; also review new WBT draft on statute and constitutional issues, e mail John Boston)	8.00	900.00
Friday, December 31, 1999			
WBT	Total fees billed by WBT, 12/01/99 TO 12/31/99	22.00	2,475.00
Saturday, January 8, 2000			
DB	Prepare app brief, review sep of powers cases and edit WBT sep of powers section; rv WBT latest e mail on appealability (responding to my questions)	10.00	1,125.00



1-24-202 9:01AM

FROM GAIL SALITERMAN 5105242056

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Page two

January 18, 2002

RUIZ TIME ON PLRA, 05/12/99-05/30/01 -

Our File: 0409.0409

Invoice # 18

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Sunday, January 9, 2000			
DB	Prepare app brief, sep of powers section	4.00	450.00
Monday, January 10, 2000			
DB	Prepare app brief, sep of powers (new drafting)	10.00	1,125.00
Tuesday, January 11, 2000			
DB	Pr app brief, PLRA section (dp and sep of powers)	12.00	1,350.00
Wednesday, January 12, 2000			
DB	Pr appellate brief, juris (orig draft) and PLRA sections (edit WBT draft), incl rvcaselaw	12.00	1,350.00
Thursday, January 13, 2000			
DB	Pr app brief, jurisdiction, tc WBT, jurisdiction, other PLRA section issues; re jurisdiction	9.00	1,012.50
Monday, January 24, 2000			
DB	Pr app brief, email with draft of PLRA section to consultant JW for rv; complete draft ad seg, email to AL with notes for her edit and filling in missing items; initial drafting medical (with some use CA draft); assign CA projects to support medical draft	8.50	956.25
Wednesday, June 21, 2000			
DB	Prepare appellate reply brief, review Miller, email WBT re Miller, draft section re Miller, fill in holes in medical	10.00	1,125.00
Sunday, June 25, 2000			
DB	Prepare appellate reply brief, reconsider section and insertions re Miller	3.50	393.75
Sunday, July 30, 2000			
WBT	Total fees billed by WBT, 01/01/00 TO 07/31/00	64.70	7,278.75
Wednesday, September 13, 2000			
DB	Rev 9th cir Gilmore case, PLRA in response to WBT e mail	0.50	56.25
Wednesday, October 18, 2000			
DB	For 5th cir arg., review briefs and case law memo on appellate jurisdiction, update research, review 9th Cir decision "Gilmore" re PLRA construction	2.50	281.25
Friday, October 20, 2000			
DB	Prepare for 5th Cir arg by tc Spector, email WBT, research, mainly PLRA constitutionality issues after "Miller v French"	8.50	956.25



1-24-202 9:02AM

FROM GAIL SALITERMAN 5105242056

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January 18, 2002

RUIZ TIME ON PLRA, 05/12/99-05/30/01 -

Our File: 0409.0409

Invoice # 18

<u>Emp</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
Saturday, October 21, 2000			
DB	Prepare for 5th Cir arg mainly PLRA constitutionality and construction, incl RV caselaw memo, email WBT, prepare PLRA research memo as beginning of outline of argument	9.00	1,012.50
Sunday, October 22, 2000			
DB	Prepare for 5th Cir arg by CN GJS re her Title VII pattern and practice research, rev GJS memo and some cases (to see distinction pattern and practice from prevalence of a condition/event in prison), prepare memo for review by Spector and WBT re PLRA construction issues (Gilmore and Calabresi concurrence in Benjamin)	6.00	675.00
Wednesday, October 25, 2000			
DB	Prepare parties joint letter to 5th Cir clerk's office re extending arg time and allocate time (3 drafts upon comments of other counsel), email to opps counsel, to Coleman re his changes (also noted in email) prepare rule 28j letter re Gilmore case, emails to and from WBT re Gilmore letter and Williams v Edwards; review 'In Re Scott' 5th Cir. 12/98 and on re possible directions or inferences on PLRA construction issue, revise outline on PLRA construction, and prepare outline of PLRA const. arg	8.00	900.00
Monday, October 30, 2000			
DB	Review Boston response to my questions on use of force class action standard; prepare motion for extended arg time and to allocate time and transmission covers for fax and email; conf with WBT and GJS going over all sections of outline of argument that are complete today; revise PLRA and force arg outline based on WBT/GJS comments; review GJS memo re use of force rates and use of force examples	9.00	1,012.50
Saturday, November 4, 2000			
DB	Prepare 5th Cir arg., lots of force work, revise use of force outline, add to PLRA outline and reduce to points that can be covered in argument time	11.00	1,237.50
Sunday, December 31, 2000			
WBT	Total fees billed by WBT, 08/01/00 TO 12/31/00	13.50	1,518.75



Page four

January 18, 2002

RUIZ TIME ON PLRA, 05/12/99-05/30/01 -

Our File: 0409.0409

Invoice # 18

## Summary of Services

DB	Donna Brorby	149.80 hr @ 113.00	\$ 16852.50
WBT	William B Turner	221.60 hr @ 113.00	\$ 24930.00

Total Professional Services

\$ 41,782.50

## Costs and Disbursements

<u>Date</u>	<u>Description</u>	<u>Amount</u>
05/30/99	Total costs billed for WBT, 05/12/99 TO 05/30/99	12.30
06/30/99	Total costs billed by WBT, 06/01/99 TO 06/30/99	37.85
07/31/99	Total costs billed by WBT, 07/01/99 TO 07/31/99	248.48
Total Costs and Disbursements		\$ 298.63

TOTAL NEW CHARGES

\$ 42,081.13

Previous Balance Due

\$ 0.00

## SUMMARY OF ACCOUNT

Balance Forward	\$ 0.00
Total New Charges	42,081.13
Payments and Credits	0.00

TOTAL BALANCE DUE \*\*\* PLEASE PAY THIS AMOUNT \*\*

\$ 42,081.13

Gail J. Saliterman billings for Ruiz v Johnson